

**LABOR SERVICES DIVISION[875]**

**Adopted and Filed**

**Rule making related to federal occupational safety and health standards**

The Labor Commissioner hereby amends Chapter 10, “General Industry Safety and Health Rules,” and Chapter 26, “Construction Safety and Health Rules,” Iowa Administrative Code.

*Legal Authority for Rule Making*

This rule making is adopted under the authority provided in Iowa Code section 88.5.

*State or Federal Law Implemented*

This rule making implements, in whole or in part, Iowa Code chapter 88.

*Purpose and Summary*

The purposes of this rule making are to adopt by reference changes to the federal occupational safety and health construction standards and to rescind an obsolete rule. The amendments place Iowa in compliance with the requirements to adopt federal occupational safety and health standards by reference.

The U.S. Occupational Safety and Health Administration (OSHA) amended the beryllium construction standard to better align with the language of the general industry beryllium standard and changed numerous definitions. The agency’s intention with respect to trace amounts of beryllium was clarified. The exposure limits were not changed, and the agency intends to maintain employee health with reduced costs to employers.

The Federal Railroad Administration revised its rules concerning the use of equipment such as cranes and derricks in the maintenance and construction of railroads. As a result, OSHA amended its standard for cranes and derricks to clarify which standards apply.

*Public Comment and Changes to Rule Making*

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on October 21, 2020, as **ARC 5234C**. No public comments were received. No changes from the Notice have been made.

*Adoption of Rule Making*

This rule making was adopted by the Commissioner on November 30, 2020.

*Fiscal Impact*

This rule making has no fiscal impact to the State of Iowa.

*Jobs Impact*

After analysis and review of this rule making, no impact on jobs has been found.

*Waivers*

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Commissioner for a waiver of the discretionary provisions, if any, pursuant to 875—Chapter 5.

*Review by Administrative Rules Review Committee*

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

*Effective Date*

This rule making will become effective on April 14, 2021.

The following rule-making actions are adopted:

ITEM 1. Rescind and reserve rule **875—10.4(88)**.

ITEM 2. Amend rule **875—26.1(88)** by inserting the following at the end thereof:

85 Fed. Reg. 53997 (August 31, 2020)

85 Fed. Reg. 57122 (September 15, 2020)

[Filed 2/16/21, effective 4/14/21]

[Published 3/10/21]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/10/21.